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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,694	09/22/2000	Richard H. Nacht	57797.000002	9967

7590 03/28/2005

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Washington, DC 20006-1109

EXAMINER	
HAMILTON, LALITA M	

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/667,694	NACHT, RICHARD H.	
	Examiner	Art Unit	
	Lalita M Hamilton	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Decebmer 9 ,2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Summary

On June 9, 2004, an Office Action was sent to the Applicant rejecting claims 1-20. On December 9, 2004, the Applicant responded with traverse.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-11 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al (US 2002/0059137), as set forth in the previous Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 5, 7-9, 12, 14, 16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Lebda (6,611,816), as set forth in the previous Office Action.

Claims 4, 6, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman and Lebda as applied to claims 1, 3, and 12 above, and in further view of Ahuja (US 2002/0013711), as set forth in the previous Office Action.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Ahuja, as set forth in the previous Office Action.

Response to Arguments

Applicant's arguments filed December 9, 2004 have been fully considered but they are not persuasive. The Applicant argues that Freeman does not disclose an online mortgage application system wherein mortgage approval application data is entered into the borrower device by an individual borrower. In response, Freeman discloses that "the customer, namely, a mortgage originator, accesses the present system via the internet....and can use a loan processor to apply for a loan, have the loan processed, track the loan, and obtain funding for the loan" (p.3, 38). Therefore, the Examiner is interpreting Freeman as reading onto the limitation substantially as claimed.

The Applicant argues that Freeman does not disclose an application module for creating a plurality of mortgage approval applications comprising the mortgage approval

application data. In response, using the Internet, the borrower has the capability of creating as many mortgage approval applications and forwarding those applications to a plurality of mortgage underwriting systems (p.3, 33 to p.4, 40). Thus, the Examiner is interpreting Freeman as disclosing this limitation substantially as claimed.

The Applicant argues that Freeman does not disclose a transmitter forwarding device for forwarding the at least one decision to the borrower device. In response, Freeman discloses that the loan information (validation, underwriting, rate locking, and loan funding) may be processed by the system via the Internet (p.4, 39-40). The decision must be forwarded to the borrower device in order for validation, underwriting, rate locking, and loan funding to take place. Therefore, the Examiner is interpreting Freeman as reading onto the invention substantially as claimed.

The Applicant argues that Freeman does not disclose a questions module for presenting a questionnaire to the individual. In response, Freeman discloses presenting the individual with a loan application, which may also be interpreted as a questionnaire, since it provides information needed for the loan process (p.2, 16 and p.3, 38). Therefore, the Examiner is interpreting Freeman as reading onto the invention substantially as claimed.

The Applicant claims that the Examiner contradicted herself by stating that Freeman did not disclose creating a plurality of mortgage applications. In response, in the system claim, Freeman only needs to have the capability of carrying out the intended function; however, in the method claim, Freeman must specifically disclose carrying out the intended method. Therefore, the Examiner did not contradict herself in

implying in the 102 rejection that Freeman possessed the capability of carrying out the intended function, and then stating in the 103 rejection that Freeman did not specifically disclose the method of carrying out the function.

With regard to Lebda, the Applicant argues that Lebda does not teach or suggest the step of "creating a plurality of mortgage approval applications comprising the mortgage approval application data". In response, Lebda discloses that the user may submit a single credit application to a plurality of lending institutions who then make offers to the customer via the Internet (p.1, lines 60-65). Thus, Lebda is being interpreted as reading onto the invention substantially as claimed in that a plurality of mortgage applications are created and each of the plurality of lending institutions receives a mortgage application. If the application is approved, the application is then forwarded to underwriting, as disclosed by Freeman.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMH

VINCENT MILLIN
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